

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

United States of America,       )  
    Plaintiff,                    )  
                                  )  
                                  )  
vs.                                ) Criminal No. 05-40026-FDS  
                                  )  
                                  )  
Muhammed Mubayyid, Emadeddin Z.)  
Muntasser, and Samir Al-Monla, )  
a/k/a Samir Almonla,            )  
    Defendants.                    )

BEFORE: The Honorable F. Dennis Saylor, IV

Daubert Hearing re: Evan Kohlmann

United States District Court  
Courtroom No. 22  
One Courthouse Way  
Boston, Massachusetts  
November 28, 2007

Marianne Kusa-Ryll, RDR, CRR  
Official Court Reporter  
United States District Court  
595 Main Street, Room 514A  
Worcester, MA 01608-2093  
Mechanical Steno - Transcript by Computer

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1 committed to innovative ideas in visual and material culture,  
 2 including fashion and textiles, cultural/media studies, film,  
 3 art and design, foods, sport and anthropology."  
 4 Q. Thank you.  
 5 MS. LUNT: I would like to introduce this as Exhibit  
 6 C.  
 7 THE COURT: All right.  
 8 (Document was marked Exhibit C for identification.)  
 9 Q. Now, is Berg what's known as a subsidy press?  
 10 A. It's under Oxford International Press, if that is what you  
 11 mean, yes.  
 12 Q. I think it's Oxford International Publishers, Limited;  
 13 isn't that right?  
 14 A. Sure.  
 15 Q. Okay. And not to be snobbish, but nothing -- it's not  
 16 connected with Oxford University Press?  
 17 A. No, no, no, no, no, I don't mean to suggest that it is.  
 18 No. No.  
 19 Q. Now, Oxford International Publishers, Limited, is a  
 20 subsidy press, isn't it?  
 21 A. I -- I don't know what you mean by that. What exactly do  
 22 you mean?  
 23 Q. Well, let's go at this a different way. Did you pay Berg  
 24 to get you --  
 25 A. Oh, no. No. No. No. No. I did not pay, no, no. Let

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1 me be very clear. This is not a self-published book. The book  
 2 was -- I had a contract. They paid me, as well as that in  
 3 order to publish the book, not only did I have to go through a  
 4 process of peer review, but as well because of the fact that  
 5 it's published in the United Kingdom it had to be reviewed by a  
 6 libel attorney in the United Kingdom, a libel attorney hired by  
 7 Berg Press, and paid for by me, but as far as the -- as the  
 8 date in the contract, and I can give you a copy of the  
 9 contract. I did not pay any money to have that book published  
 10 period.  
 11 Q. Okay. You did pay for the consultation for the --  
 12 A. The libel attorney?  
 13 Q. Yes.  
 14 A. It was only because I had no choice.  
 15 Q. Okay.  
 16 A. In order -- in order to publish something in the United  
 17 Kingdom and not get sued for libel, you have to have it  
 18 reviewed by a libel attorney first. We split the -- the  
 19 publisher and I split the cost of the libel attorney, but  
 20 that -- I never actually paid money. The -- the publisher paid  
 21 the attorney and simply deducted the costs, whatever the costs,  
 22 the share cost out of the amount they were going to pay me.  
 23 Q. And again, your book focuses on fighters who went to  
 24 Bosnia; is that right?  
 25 A. It's focuses on Arab mujahideen fighters from Afghanistan

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1 and elsewhere who went to Bosnia.  
 2 Q. And it's not a history of the events in Bosnia in the  
 3 1990s?  
 4 A. It's a history of the events with respect to the Arab  
 5 mujahideen. It's not a history of the Balkan War, no.  
 6 Q. And again, you have never published a book that has been  
 7 peer reviewed by an academic publisher; is that right?  
 8 A. Well, again, it was -- my book was peer reviewed by  
 9 academics. The fact that Berg is not a university press is  
 10 true, but that doesn't mean -- I mean again they don't tell me  
 11 who the exact people are that they have peer review this, but  
 12 my understanding was that it was academics.  
 13 Q. Okay. So you don't know who reviewed your book?  
 14 A. Well, that would defeat the purpose. What they tell you  
 15 is that they're picking people generally in your field, who  
 16 have the knowledge and experience, expertise, either as  
 17 academics or as professional in reviewing this, but obviously  
 18 if they told me who it was that was reviewing it, that would  
 19 defeat the whole purpose of peer review.  
 20 Q. And you haven't written any other books, have you?  
 21 A. I am working on another one right now.  
 22 Q. But not published yet?  
 23 A. No.  
 24 Q. Now, in this case, what documents have you reviewed?  
 25 A. It's a long list. I've reviewed --

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1 Q. Okay. Let's talk about categories.  
 2 Have you reviewed Al-Hussams?  
 3 A. That's correct.  
 4 Q. Have you reviewed wiretap transcripts?  
 5 A. That's correct.  
 6 Q. Have you reviewed notes of a meeting?  
 7 A. That's correct.  
 8 Q. And by the way, when you reviewed the notes of the meeting  
 9 did you use your own translator, or did you rely on the  
 10 government's translators?  
 11 A. No, I relied on the government's translations.  
 12 Q. Okay. And did you review materials relating to an orphan  
 13 sponsorship project?  
 14 A. If you are talking about the original materials  
 15 from -- from -- yes. Yes, I did.  
 16 Q. The original materials from where?  
 17 A. From Care International, yes.  
 18 Q. Do we have the boxes in the courtroom? I just strained my  
 19 back recently, so I'm not going to attempt to pick it up, but  
 20 my paralegal kindly will.  
 21 Did you review this box and the contents of it? And  
 22 this is Exhibit 1045; is that right, Sonya?  
 23 MS. PETRI: Uh-huh.  
 24 MR. CHAKRAVARTY: Your Honor, it doesn't seem to go to  
 25 the qualifications of the methodology it's supposed to for

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1 expert conclusions at trial.

2 THE COURT: Well, yes. And so to cut to the quick, I  
3 mean it's -- part of his expert opinion is it purports to be a  
4 summary of some of the government's evidence, which I'm not  
5 sure I'm going to allow in any event, so --

6 Q. All right. You mentioned -- you mentioned the wiretap,  
7 you mentioned the Al-Hussams.

8 Anything else? Have you been shown checks?

9 A. Yes.

10 Q. And that is certain checks, not every check that the  
11 government seized, correct?

12 A. I only have seen what I have been sent, so I don't really  
13 know.

14 Q. Do you have a list of what you have been sent?

15 A. I do, but not on me right now, no.

16 Q. Okay. Is that something that you could provide to us  
17 prior to your testimony?

18 A. I'm sure -- I'm sure the government probably has a list of  
19 that as well.

20 MS. LUNT: Okay. I have no further questions right  
21 now.

22 THE COURT: Mr. McGinty or Mr. Andrews.

23 MR. McGINTY: No questions.

24 THE COURT: All right. Any redirect?

25 MR. CHAKRAVARTY: Just very briefly.

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1 REDIRECT EXAMINATION

2 BY MR. CHAKRAVARTY:

3 Q. Mr. Kohlmann, with regards to your familiarity with the  
4 Al-Kifah Refugee Center, please describe for the court when  
5 that began and what it was based on, what we provided you to  
6 provide a history.

7 A. My knowledge of the Al-Kifah?

8 Q. Sure.

9 A. I have been studying the Al-Kifah Refugee Center since  
10 approximately 1997. A large part of my research on that has  
11 been built upon my own review independently of this trial, on  
12 original materials that were taken from the Al-Kifah Center in  
13 approximately 1993, books and books and books of this material,  
14 including quite a bit eventually ended up in my own book.

15 Separately, in addition to that, I've also reviewed  
16 video recordings produced by the Al-Kifah Refugee Center. And  
17 in this case, I've reviewed documents, including checks,  
18 including money orders, including financial documents, just  
19 about any kind of document you can imagine relating to  
20 Al-Kifah.

21 Q. And your study of Al-Kifah, what was it related to in  
22 terms of your -- what your --

23 A. It was an essential part of research, because my research  
24 was focused on the Arab-Afghan movement, and how it was  
25 recruiting and financing; and the primary vehicle behind the

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1 recruiting and financing in the Arab-Afghan movement was known  
2 as Maktab-al-Khidmat mujahideen, and the Mujahideen Services  
3 Office, which was their logistical arm; and outside of  
4 Afghanistan, when you talk about MAK, you talk about  
5 Maktab-al-Khidmat. The foreign branch of Maktab-al-Khidmat is  
6 Al-Kifah. They are the same organization. One is just the  
7 foreign branch of the other.

8 Q. And describe for the court some of the bases of that  
9 conclusion and --

10 A. Sure.

11 Q. -- your methodology to arrive at that.

12 A. My conclusion upon that was based upon almost entirely  
13 original documents, which I reviewed which were taken, number  
14 one, from the Al-Kifah Refugee Center in Brooklyn, which  
15 included correspondence, original correspondence from the  
16 Al-Kifah Refugee Center offices in Brooklyn, Boston, Zagreb,  
17 Croatia, and even Afghanistan; and that in a number of cases,  
18 this correspondence consisted of letters back and forth between  
19 these various offices discussing their relationship, discussing  
20 their activities, discussing what their intent is. This  
21 knowledge has been supplemented by reviewing government  
22 reports, by reviewing other -- other reports written by other  
23 academics, and by tertiary material, which concluded basically  
24 the same thing.

25 Q. And you testified that you've testified in other cases as

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1 a terrorism expert. Aside from that charged word, is there  
2 another way to describe your expertise?

3 A. Yeah, sure. I mean my focus is on the Arab-Afghan  
4 movement, the contemporary Arab-Afghan movement and various  
5 different conflicts in which it has become involved, which  
6 fighters from the Arab-Afghan have become involved. It's  
7 hierarchy. It's financing. It's recruitment. Terrorism is  
8 just a very kind of brush label, you know, a quick brush label,  
9 but it's the Afghan-Arab movement really.

10 Q. With regards to the very brief history of interconnection  
11 of the Arab-Afghan movement, can you describe what that  
12 entails.

13 A. The Arab-Afghan movement? The Arab-Afghan movement  
14 entails not just the Arabs that initially went to Afghanistan  
15 in the 1980s, but it pertains to those that went to  
16 Bosnia-Herzegovina in 1992 and 1993. It pertains to those who  
17 went to Tajikistan in 1992 and 1993, because these individuals,  
18 it's not just that they are linked by the same ideology; in  
19 fact, a lot of times it's the same people. For instance, given  
20 Ibn-ul-Khattab, who fought in Tajikistan and lead Arab-Afghan  
21 forces in Tajikistan, shortly thereafter left Tajikistan and  
22 went to the caucuses; and in Chechnya, Ibn-ul-Khattab, which is  
23 I-B-N U-L K-H-A-T-T-A-B, became the leader of the foreign  
24 mujahideen in caucuses, so what you see is you see  
25 commonalities where some guys are kind of treating this like a

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1 safari, and they're going from conflict to conflict. And by  
2 tracing their apogees and by tracing their activities you learn  
3 what the movement stands for and how it operates.

4 Q. With regards to conflict in Afghanistan, what is your  
5 basis of knowledge and the methodology you have gone through  
6 there?

7 A. Sure. I've never been to Afghanistan, but that's because  
8 I was told by Abu Hamza Al Masri that if I went there, and I  
9 asked the questions I would be asking, I would be putting my  
10 life in danger.

11 I do work with colleagues, who are down on the ground,  
12 who gather original information; but aside from that, I also  
13 gather a tremendous amount of information from video  
14 recordings, audio recordings, interviews with people that  
15 fought at the time. I can't go back in time. So, going back  
16 to Afghanistan now doesn't really solve the problem of trying  
17 to figure out what happened in 1991. The best way to do that  
18 is to speak with people who are there, to review their original  
19 letters, their original correspondence, their video recordings,  
20 their audio recordings, everything that I can put together.  
21 Some of this stuff is gathered by me personally going to places  
22 and speaking to people and purchasing this from them, or  
23 gathering it from them. Some of it involves Internet research,  
24 some of it, and I get a lot of it through different methods,  
25 but yeah.

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1 Q. And the, you know, your syntheses, you described how it's  
2 stored?

3 A. Sure.

4 Q. How do you synthesize it, and for what purpose? What do  
5 you do on a daily basis?

6 A. Sure. I take these original documents, this original  
7 information. Really, it's the best of kind of information you  
8 can get about some of these events, and I just pull these  
9 documents together. I just put these accounts together and  
10 videos together, and again I try to find the commonalities  
11 between them and eventually create a narration, a story line  
12 for exactly what happened based upon these different original  
13 documents, because I don't necessarily trust  
14 newspapers -- newspaper accounts to be 100 percent accurate. I  
15 don't trust magazine articles to be 100 percent accurate. And  
16 I don't even trust necessarily materials that are coming  
17 directly from a terrorist group to be 100 percent accurate.  
18 Everything has to be judged with a very careful eye.

19 So what you do is you juxtapose these different  
20 accounts together. You find what matches up between them, and  
21 that tends to be the truth.

22 Q. And so, in addition to your consulting work, which you  
23 described in your testimony, what other types of activities do  
24 you do that -- well, let me say that first.

25 A. Sure, most of my time is spent doing research and

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1 analysis. I mean most of my time is spent gathering  
2 information and then taking this and distilling it down into  
3 reports and to documents. For instance, I recently published a  
4 paper with foreign affairs, which requires a long process of  
5 peer review, which is built upon my own personal research with  
6 a particular terrorist plot on the Internet. I'm currently  
7 working on a chapter for Richard Clarke and a new -- for a new  
8 edition of annals at the American Academy of Political  
9 Sciences, specifically dealing with the phenomenon of home  
10 grown terrorism, my work specifically having to do with North  
11 Africans, North African fighters fighting in the Balkans. I  
12 recently wrote a chapter for a book by Michael Innes about the  
13 Balkans, a very kind of thick and very academic kind of book,  
14 but this is a very narrow area in which he asked me to write  
15 this. Mr. Innes is a colleague of mine. He used to work at  
16 NATO. So, it's -- you know, it basically -- what I do is I  
17 take all this research and as much as possible put it into  
18 publishing scholarly papers.

19 Q. And that -- that's what your current practice of  
20 publishing is?

21 A. Yeah, I mean, my preference is to publish things in  
22 scholarly journals. I -- as of right now, in fact, the only  
23 place where I really publish stuff on a regular basis, aside  
24 from a recognized scholarly journal, is either a quick kind of  
25 blog post on the counterterrorism blog on the Internet, or I

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1 also publish academic papers through the foundation I work for,  
2 the Nine Eleven Finding Answers Foundation. Now, that isn't a  
3 typical academic outlet; however, in order to publish stuff  
4 through there, again it has to be reviewed by all the other  
5 analysts, who work for the NEFA Foundation, the people that run  
6 the NEFA Foundation; and then on top on that because it's put  
7 up on the Internet for everyone to see it's then subject to a  
8 very vigorous process of peer review. All those who have an  
9 interest in this, whether they agree with me or disagree have  
10 an opportunity to go on there and read this and make comment.

11 Q. Have you been subject to cross-examination in a federal  
12 court?

13 A. I have been subject to cross-examination in U.S. Federal  
14 Court. I have been subject to cross-examination in  
15 Bosnia-Herzegovina. I have been subject to cross-examination  
16 in the United Kingdom. I mean everything that I do is very,  
17 very carefully worked, because eventually in the event that it  
18 would come up in a court, or in the event that it would come up  
19 in the process of me testifying in front of Congress, or me  
20 presenting, I -- I put a lot of time and thought into what I  
21 do, and one of the things that I want to make sure about is  
22 that the information that I present is 100 percent reliable,  
23 and because my -- the whole reason I created the website  
24 globalterroralert.com was I felt that a lot of the analysis  
25 work that was being done in this field was being done on the



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1 basis of the wrong information; that people weren't going to  
 2 the original sources. They weren't studying the best sources  
 3 they could, and as a result they were getting the wrong  
 4 information and bad analysis. So, by founding this website,  
 5 the purpose was to put this information out there so that in  
 6 the future, if someone does analysis, no matter what they  
 7 analyze, no matter what their conclusions are, at least the  
 8 basic facts are right. At least the basic information is  
 9 right. At least they're using sources, which are not magazine  
 10 articles, which are not newspaper articles, which are not  
 11 quoting hearsay, but it's quoting someone directly. It is  
 12 showing that this is what this person put out in their video.  
 13 This is what this group said in their official communique.  
 14 Again, the most reliable sources that you can find in terrorism  
 15 is -- it's a difficult field to find sources like that. No  
 16 doubt, but that's what I do.

17 Q. And do you deal regularly with the other academic and  
 18 other so-called experts in this field?

19 A. Yeah. I mean last year, I went to Sweden, and I spoke at  
 20 the Swedish National Defense College. I -- I regularly speak  
 21 at different events for government agencies, for academics. I  
 22 am in contact with academics in the United Kingdom, Singapore,  
 23 Denmark, the United States, Canada, Switzerland, I mean all  
 24 across, and the thing is that this is how we do research,  
 25 because again terrorism is a very difficult field to get

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1 information on, good information. So, one of the things that  
 2 we do is we share information, and we pool this stuff together,  
 3 and we talk about these papers. I -- you know, it's -- and it  
 4 happens that when we go to conferences, a lot of the  
 5 conferences that are organized either by government agencies or  
 6 by academic institutions, I mean you pretty much see a similar  
 7 group of people almost every single time there. So anything  
 8 that you're saying you're presenting in a conference,  
 9 you -- it's been shared with other academics, it's been widely  
 10 debated, people have said their piece back and forth. There is  
 11 no mystery to this. I mean again it's a collective -- it's a  
 12 collective thing. It's just too difficult to do on their own.

13 Q. And given that background, have you received feedback in  
 14 terms of your utility in this panoply?

15 A. Oh, sure. And I have received feedback on particular  
 16 things I have written about. I mean, you know, again, I mean  
 17 there is -- you know, there are a lot of people that rely on me  
 18 to provide them with original sources of information about  
 19 terrorism, including other academics in this field, because  
 20 they don't have access to the same sources that I do. And it  
 21 happens that regardless of whether their analysis agrees with  
 22 mine or not, in some cases it doesn't, but they still come to  
 23 me for the raw information, because they know that I have  
 24 access to it. I have a database full of it, and I'm happy to  
 25 share it with anyone who has interest in it.

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1 Q. You were asked about your book at some length.

2 Who was the target audience for that book?

3 A. It was meant to be for a university audience. The topic  
 4 of the book was far too esoteric for a general audience, and  
 5 what's more, I took -- I took the experience of the  
 6 Arab-Afghans in the Balkans, and I broke it down by time  
 7 periods, and it's a 300-page book, or something like that. I  
 8 mean unless you have a very, very particular interest in terms  
 9 of an academic or professional interest, either the issues of  
 10 terrorist financing, in the issues of the present foreign  
 11 fighters in the Balkans, these are not common subjects. I mean  
 12 you don't typically find people burning down the bookstore to  
 13 find these books. I mean these are the kind of books you find  
 14 in university libraries.

15 If you look right now, if you Google, you do a Google  
 16 search on my book, you will find that most of the places are  
 17 university libraries in the United States, in the United  
 18 Kingdom, and in Australia. It's used as reference text in  
 19 Australia for counterterrorism, graduate level counterterrorism  
 20 study. It's used here in Boston at the Kennedy School of  
 21 Finance in graduate level terrorism studies. This is what it's  
 22 used for. It's really not a general interest book. If you  
 23 have a general interest in this, you're probably a lot like me.

24 Q. In fact, when you were in law school, when you were still  
 25 working at the Investigative Project?

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1 A. That's correct, yeah.

2 Q. When, in addition to the -- the book being published, and  
 3 some of the articles that you mentioned, are there other  
 4 publications with your scholarly locations that you are working  
 5 on?

6 A. Sure, again, I am working on something right now for the  
 7 Annals of the American Academy of Political Sciences. I am  
 8 working on two different pieces for an upcoming journal  
 9 published by the U.S. Military Academy at West Point Combat and  
 10 Terrorism Center. I've just published two different papers,  
 11 two new papers through my foundation that -- the foundation  
 12 that I work for, one about Algeria and one about Libya.  
 13 I -- you know, again, my preference is for publishing material.  
 14 I don't really -- I don't really, generally speaking,  
 15 especially in the last couple of years, I don't veer towards op  
 16 eds and stuff of that nature. It's not really something I like  
 17 to. My interest is in producing longer scholarly papers, 20 to  
 18 30 pages in length, which have footnotes, which are based upon  
 19 sources, and which are based upon peer review, because I'm -- I  
 20 am not just publishing opinions or analysis. I'm publishing  
 21 facts. And one of the things that I'm very interested in is  
 22 getting facts out there that haven't been already recorded.  
 23 Honestly, most op ed columns are not the proper place to be  
 24 publishing brand-new information out of particular  
 25 terrorist-funded groups, or a cell, or something like that.